

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

BX LED LLC,

Plaintiff,

v.

WALMART INC.,

Defendant.

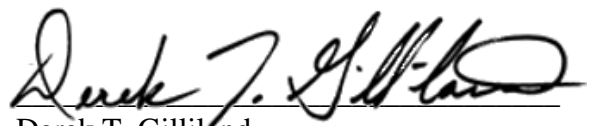
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CIVIL NO. W-22-CV-00445-ADA

CLAIM CONSTRUCTION ORDER

Before the Court are the Parties' claim construction briefs: Defendant Walmart, Inc.'s, ("Defendant") Opening and Reply briefs (ECF No. 23 and 30, respectively), Plaintiff BX LED, LLC's ("Plaintiff") Response and Sur-Reply briefs (ECF No. 28 and 32, respectively), and the Parties' Joint Claim Construction Statement (ECF No. 35). This matter was referred to the undersigned on October 7, 2022 (ECF No. 18) for disposition of all pretrial matters. The Court considered the Parties' briefs and provided preliminary constructions in advance of the *Markman* hearing. A *Markman* hearing was held on May 2, 2023. The Court issues this Order to memorialize the Court's final claim construction rulings for the parties, and to inform the parties that the Court is will issue a more-detailed Memorandum explaining its analysis in due course. The deadline to file any objections to the undersigned's claim construction rulings (pursuant to Federal Rules of Civil Procedure 59 and 72) do not need to be filed until 14 days after that more fulsome Order is entered upon the docket.

SIGNED this 2nd day of May, 2023.



Derek T. Gilliland
United States Magistrate Judge

Agreed Constructions

Patent	Term	Agreed Construction
U.S. PATENT NO. 6,869,812	“active region” Claims 1, 10 Proposed by Walmart	“a region in a light emitting diode that is capable of emitting light (i.e. emitting photons as electrons and holes recombine) when sufficient voltage is applied”
U.S. PATENT NO. 6,869,812	“active area” Claims 1, 2, 3, 8 Proposed by Walmart	“the two-dimensional area of the top or bottom surface of the active region”
U.S. PATENT NO. 8,998,433	“the wavelength conversion component takes on a three dimensional shape” Claim 10 Proposed by Walmart	“the wavelength conversion component is a non-flat shape”
U.S. PATENT NO. 10,966,300	“N being ≥ 1” Claims 11 Proposed by BX LED	No need for construction. Term contains a typographical error as printed in final patent and should be “N being > 1 ”.

Disputed Constructions¹

Patent	Term	BX LED Construction	Walmart Construction	Court's Final Construction
U.S. PATENT NO. 6,869,812	<p>“greater than approximately,” (Claims 1-2)</p> <p>“between approximately 1.5 to 1 and approximately 10 to 1” (Claim 3)</p> <p>Proposed by Walmart</p>	<p>Plain and ordinary meaning.</p> <p>Alternatively, “approximately, within standard manufacturing tolerances”</p>	Indefinite	Plain and Ordinary Meaning. Not Indefinite.
U.S. PATENT NO. 7,901,109	<p>“a heat sink integrally affixed to the solid state light” (Claim 10)</p> <p>Proposed by Walmart</p>	<p>Plain and ordinary meaning.</p> <p>Alternatively, “a heat sink that is securely fastened to the solid-state light, not merely brought into contact with.”</p>	“a heat sink formed together with the solid state light such as to make up a single complete unit, and not formed separately and then merely connected to the solid state light by mechanical or electrical connections”	Plain and Ordinary Meaning, namely “A heat sink that is securely fastened to the solid-state light, not merely brought into contact with.”
U.S. PATENT NO. 7,973,465	<p>“a phosphor bearing film arranged with the light emitting device” (Claim 1)</p>	Plain and ordinary meaning.	Indefinite	Plain and Ordinary Meaning. Not indefinite.

¹ Defendant also filed a motion to strike certain constructions and extrinsic evidence relied upon by Plaintiff. ECF No. 29. The Court denied that Motion and considers the entire claim construction record.

Patent	Term	BX LED Construction	Walmart Construction	Court's Final Construction
	Proposed by Walmart			
U.S. PATENT NO. 7,973,465	<p>“the phosphor bearing film is 60%-80% phosphor” (Claim 2)</p> <p>Proposed by Walmart</p>	<p>Plain and ordinary meaning.</p> <p>Alternatively, “the phosphor bearing film is 60%-80% phosphor <i>by weight</i>”</p>	Indefinite	Plain and Ordinary Meaning (as agreed to by the parties, see ECF No. 39)
U.S. PATENT NO. 8,203,260	<p>“a duty cycle of the drive currents used to control the color temperature” (Claim 4)</p> <p>Proposed by both parties</p>	<p>“a duty cycle of the drive currents is used to control the color temperature”</p> <p>correcting omission of the word “is” in the claim</p>	<p>“the correlated color temperature (CCT) of the light is determined by the percentage of time in which the drive current load is ‘on’ compared to the time when the drive current load is ‘off’”</p>	Plain and Ordinary meaning. The Court acknowledges that the word <i>is</i> is an inadvertent omission.
U.S. PATENT NO. 8,567,988	<p>“efficient thermal path” (Claim 1)</p> <p>Proposed by Walmart</p>	<p>Plain and ordinary meaning</p> <p>Alternatively, “the path for heat dissipation created by mounting an LED directly to a substrate with high thermal conductivity without intervening insulat-</p>	Indefinite	Plain and Ordinary Meaning. Not indefinite.

Patent	Term	BX LED Construction	Walmart Construction	Court's Final Construction
		ing materials”		
U.S. PATENT NO. 8,567,988	“an electrical path formed by connecting the LED chips in a chip to chip fashion” (Claim 1) Proposed by Walmart	Plain and ordinary meaning	“electrically connecting one LED chip directly to another LED chip”	Plain and Ordinary Meaning.
U.S. PATENT NO. 8,998,433	“configured to irradiate a wavelength conversion component with excitation energy” (Claim 1) Proposed by Walmart	Plain and ordinary meaning.	“designed to direct light through a wavelength conversion component”	Plain and Ordinary Meaning, which does not include a connection of the chip through metal wires to the metal substrate
U.S. PATENT NO. 8,998,433	“color enhancement filter layer” (Claim 1) Proposed by Walmart	Plain and ordinary meaning. Alternatively, “a layer configured to filter undesirable emitted color wavelengths”	“an optical filter that narrows the range of wavelengths transmitted”	Plain and Ordinary Meaning.
U.S. PATENT NO. 10,966,300	“power rails” (Claim 1) Proposed by Walmart	Plain and ordinary meaning	“the electrical lines or buses from which power is drawn”	Plain and Ordinary Meaning.

Patent	Term	BX LED Construction	Walmart Construction	Court's Final Construction
U.S. PATENT NO. 10,966,300	<p>“segmented LED” (Claim 1, 7)</p> <p>Proposed by Walmart</p>	<p>Plain and ordinary meaning.</p> <p>Alternatively, “an LED die that is divided into N segments wherein the segments are serially connected to one another”</p>	<p>“a single LED die that is divided into N segments that are serially connected to one another, where $N > 1$ and typically between 2 and 100”</p>	<p>An LED die that is divided into N segments wherein the segments are serially connected to one another.</p>